

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EUGENE O'MALLEY,

Plaintiff,

v.

DOWD MARKETING, INC.,

Defendant.

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3:17-CV-1419
(JUDGE MARIANI)

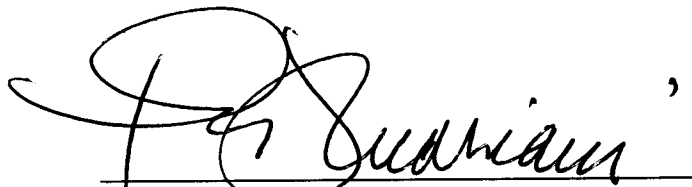
ORDER

AND NOW, THIS 3rd DAY OF DECEMBER, 2018, upon review of Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 46) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 46) is **ADOPTED** for the reasons set forth therein.
2. Defendant's Motion to Dismiss Plaintiff's Third Amended Complaint Pursuant to Fed.

R. Civ. P. 12(b)(6) (Doc. 26) is **GRANTED IN PART AND DENIED IN PART AS FOLLOWS:**

- a. Defendant's Motion to Dismiss is **GRANTED** as to Plaintiff's FMLA interference claims (Count I; Count III). Count I and Count III of Plaintiff's Third Amended Complaint are **DISMISSED**.
- b. Defendant's Motion to Dismiss is **DENIED** in all other respects.



Robert D. Mariani
United States District Judge